

House Bill 1208

By: Representatives Wix of the 33rd, Dobbs of the 53rd, Teilhet of the 40th, Johnson of the 37th, and Morgan of the 39th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to offenses involving theft, so as to provide for the offense of theft from a designated disaster area; to provide punishment for the commission of such offense; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to offenses involving theft, is amended by adding a new Code section to read as follows:

"16-8-2.1.

For the purposes of this Code section, 'designated disaster area' means any portion of a county or municipality that has been designated by the Governor or the President of the United States as a disaster area subsequent to a natural disaster. A person commits the offense of theft by taking from a designated disaster area when he or she unlawfully takes or, being in lawful possession thereof, unlawfully appropriates any property of another with the intention of depriving him or her of the property and such taking or depriving is committed in such designated disaster area. A person convicted of the offense of theft by taking from a designated disaster area shall be guilty of a felony and upon his or her first conviction shall be punished by imprisonment for not less than one nor more than 20 years. Upon a second conviction for theft by taking from a designated disaster area, a person shall be punished by imprisonment for not less than two nor more than 20 years. Upon a third conviction for theft by taking from a designated disaster area, a person shall be punished by imprisonment for not less than five nor more than 20 years. Adjudication of guilt or imposition of sentence shall not be suspended, probated, deferred, or withheld for any offense punishable under this Code section."

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SECTION 2.

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All laws and parts of laws in conflict with this Act are repealed.